

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WANDA CANFIELD,
Plaintiff,
v.

AMICA MUTUAL INSURANCE CO.,
Defendant.

CIVIL ACTION
NO. 20-2794

ORDER

AND NOW, this 2nd day of October, 2020, upon consideration of Defendant Amica Mutual Insurance Co.'s motion to dismiss Count III of Plaintiff Wanda Canfield's Amended Complaint and to strike certain allegations in Count II (ECF 7), Plaintiff's response (ECF 8), her addendum to her response (ECF 9), Defendant's reply (ECF 10), and Plaintiff's surreply (ECF 11), it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant's motion is **GRANTED** insofar as it seeks to strike Plaintiff's demand for damages, including treble damages, in Count II;
2. Defendant's motion is **DENIED** insofar as it seeks to strike Plaintiff's allegations regarding the duty of good faith and fair dealing in Count II;
3. Defendant's motion to dismiss Count III is **GRANTED**; and
4. Plaintiff may file a Second Amended Complaint to the extent that she is able to do so consistent with the requirements set forth in the accompanying memorandum of law on or before **Friday, October 16, 2020**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.